

1 **LEW BRANDON, JR., ESQ.**

2 Nevada Bar No.: 5880

3 **JEFFREY ORR, ESQ.**

4 Nevada Bar No.: 7854

5 **REBECCA SMITH, ESQ.**

6 Nevada Bar No. 14955

7 **BRANDON | SMERBER LAW FIRM**

8 139 East Warm Springs

9 Las Vegas, Nevada 89119

10 (702) 380-0007

11 (702) 380-2964 – *facsimile*

12 l.brandon@bsnv.law

13 j.orr@bsnv.law

14 r.smith@bsnv.law

15 *Attorneys for Defendant,*

16 *99 CENTS ONLY STORES LLC*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 CHERYL D. WESLEY, an Individual,

14 Plaintiff,

15 v.

16 99 CENTS ONLY STORES LLC, a Foreign
17 Limited-Liability Company; ROE
18 MAINTENANCE COMPANIES 1-10; ROE
19 CLEANING COMPANIES 1-10; DOE
20 INDIVIDUALS 1-10; DOE EMPLOYEES 1-
21 10; and ROE BUSINESS ENTITIES 1-20,
inclusive,

22 Defendants.

CASE NO.: 2:20-cv-1574-JCM-BNW

STIPULATION AND ORDER FOR
EXTENSION/MODIFICATION OF
DISCOVERY PLAN AND
SCHEDULING ORDER
(FIRST REQUEST)

23
24 Plaintiff, CHERYL D. WESLEY and Defendant, 99 CENTS STORE ONLY, LLC, by and through
25 their undersigned counsel, submit to the Court the following Stipulation and Order for
26 Extension/Modification of the Discovery Plan and Scheduling Order (Document #8) pursuant to LR 26-3.

27 ///

28 ///

1
2 **I. Local Rule 6-1**

3 Under LR IA 6-1(a) every motion to extend time must inform the court of any previous extensions
4 granted and state the reason for the extension requested.
5

6 **A. The Requirement of Local Rule 26-3 Is Satisfied**

7 This is the first request for extension filed by the parties. Due to scheduling issues, the parties have
8 agreed to allow additional time for discovery to conduct depositions of Plaintiff and Defendant's FRCP
9 30(b)(6) witness, as well as provide expert disclosures. Local Rule 26-3 requires that extensions must be
10 received by the court within 21 days of any deadline. The current initial expert deadline is January 5, 2021.
11 Therefore, the parties are requesting this extension more than 21 days prior to the expiration of the
12 deadline.
13

14 **II. Local Rule 26-3(a)**

15 Under LR 26-3(a) a statement specifying the Discovery completed:

16 Both Plaintiff and Defendant have exchanged their initial documents and witness disclosures.
17 Defendant served their initial disclosures on September 18, 2020. Plaintiff served her initial disclosures on
18 September 18, 2020.
19

20 Defendant served discovery requests upon Plaintiff on September 18, 2020 in the form of Request
21 for Admissions, Request for Production of Documents, and Interrogatories. Plaintiff's responses to
22 Defendant's written discovery were received on October 19, 2020.
23

24 Plaintiff noticed the deposition of Defendant's FRCP 30(b)(6) witness and Request for Production
25 of Documents on October 5, 2020. Plaintiff received Defendant's response to Request for Production of
26 Documents on November 13, 2020.
27

28 The deposition of Plaintiff is scheduled for November 16, 2020.

///

1 ///

2 **III. Local Rule 26-3(b)**

3 Under LR 26-3(b) a specific description of the Discovery that remains to be completed:

4 The remaining Discovery to be completed includes Plaintiff's written discovery requests to
5 Defendant, Defendant's responses to Plaintiff's written discovery requests, Plaintiff's deposition, initial and
6 rebuttal expert disclosures, initial and rebuttal experts' depositions, depositions of Defendant's FRCP
7 30(b)(6) designated witness(es) and employees, depositions of percipient witnesses, and depositions of
8 Plaintiff's treating providers. The parties may also agree to complete further discovery derived from the
9 discovery listed above.
10
11

12 **IV. Local Rule 26-3(c)**

13 Under LR 26-3(c) the reasons why Discovery remaining was not completed within the time
14 limits set by the Discovery Plan:

15 On or about November 6, 2020, Defendant requested from Plaintiff additional time to gather
16 documents pertaining to the topics listed in Plaintiff's Notice of Deposition of Defendant Pursuant to FRCP
17 30 (b)(6) and 30(b)(2), and Request for Production of Documents Pursuant to FRCP 34. Additionally,
18 Defendant requested additional time to provide responses to Plaintiff's Request for Production of
19 Documents. Additionally, Defendant wishes to depose Plaintiff well in advance of the expert disclosure
20 deadline and Plaintiff could not be deposed until November 16, 2020.
21
22

23 **V. Local Rule 26-3(d)**

24 The parties agree and jointly request an extension of 90 days for the discovery deadlines;
25 Under LR 26-3(d) a proposed schedule for completing all remains Discovery:

26 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from March 5, 2021 to a
27
28

Discovery cutoff date of June 3, 2021;

(ii) Expert witness disclosures from January 5, 2021 to a new date of April 5, 2021;

- (iii) Rebuttal expert witness disclosures from February 5, 2021 to May 6, 2021;
(iv) Submittal of Dispositive Motions from April 5, 2021 to July 6, 2021; and
(v) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be extended
from May 5, 2021 to August 3, 2021.

Therefore, good cause existing, counsel jointly request that this Honorable Court allow the above proposed
extended Discovery dates.

DATED this 16th day of November, 2020.

MAINOR WIRTH, LLP

By: /s/ Breanna K. Hartmann, Esq.
James D. Urrutia, Esq.
Nevada Bar No. 12885
Breanna K. Hartmann, Esq.
Nevada Bar No. 13889
6018 S. Ft. Apache Rd., Ste. 150
Las Vegas, NV 89148
Attorneys for Plaintiff,
Cheryl D. Wesley

DATED this 16th day of November, 2020.

BRANDON SMERBER LAW FIRM

By: /s/ Jeffrey J. Orr, Esq.
Lew Brandon, Jr., Esq.
Nevada Bar No. 5880
Jeffrey Orr, Esq.
Nevada Bar No. 7854
Rebecca A. Smith, Esq.
Nevada Bar No. 14955
139 East Warm Springs Road
Las Vegas, NV 89119
Attorneys for Defendant,
99 Cents Only Stores, LLC

ORDER

IT IS SO ORDERED

DATED: 5:07 pm, November 20, 2020



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE